



South Carolina House of Representatives

Legislative Update

David H. Wilkins, Speaker of the House

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NOTE: Bill summaries included in this document are prepared by the staff of the South Carolina House of Representatives and are not the expression of the legislation's sponsor(s) or the House of Representatives. The summaries are strictly for the internal use and benefit of members of the House of Representatives and are not to be construed by a court of law as an expression of legislative intent.

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HOUSE WEEK IN REVIEW

The House of Representatives amended, approved, and sent to the Senate H.3586. This bill creates within the Department of Health and Human Services (DHHS) the **SOUTH CAROLINA RETIREES AND INDIVIDUALS POOLING TOGETHER FOR SAVINGS (SCRIPTS) PROGRAM**. This program would combine the purchasing power of South Carolina citizens age sixty-five or older who have resided in the State for at least six months and who are not eligible for Medicaid prescription benefits. These citizens would enroll in the program to reduce their prescription drug costs. The bill requires DHHS to combine negotiating power for the program with negotiating power for pharmaceutical pricing and rebates that may exist now or in the future. The bill provides that DHHS will administer the program and will submit a plan for implementation and administration of the program, as described in the bill, to the State Budget and Control Board. Upon review of the Budget and Control Board, the program may be implemented as soon as practicable. The program would be funded entirely from annual enrollment fees collected from program participants.

The House amended, approved, and sent to the Senate H.3777, a bill providing for a **UNIFORM STATEWIDE VOTING SYSTEM**. The legislation provides that the State Election Commission shall: (1) approve and adopt one voting system to be used by authorities charged by law with conducting elections; (2) support the authorities charged by law by providing training for personnel in the operation of the voting system approved and adopted by the commission; and (3) support all aspects of creating the ballots and the database of the voting system which is approved and adopted. Under the bill, a vote recorder or optical scan voting system may not be approved for use in the State unless qualified by the National Association of State Election Directors as meeting or exceeding the minimum requirements of the Federal Election Commission's national voting system standards.

The House concurred in Senate amendments to H.3902, a bill relating to the **ENFORCEMENT OF STATE CRIMINAL LAWS BY FEDERAL LAW ENFORCEMENT OFFICERS**, and ordered the bill enrolled for ratification. The bill expands the definition of "federal law enforcement officer" authorized to enforce state criminal laws to include United States Department of Agriculture Forest Service law enforcement officers and special agents; United States Department of Interior Fish and Wildlife special agents; and, United States National Marine Fisheries special agents.

The House concurred in Senate amendments to H.3722 and ordered the bill enrolled for ratification. This bill provides for **ADDITIONAL CIRCUMSTANCES UNDER WHICH PHOTOGRAPHS, VIDEOS, AND AUDIO RECORDINGS OF AN AUTOPSY MAY BE VIEWED**.

The House approved and ordered enrolled for ratification S.447, a bill regarding the **STATE ATHLETIC COMMISSION**, the body charged with regulating boxing, kickboxing, wrestling, and other combative sports in this State. This legislation

transfers the statutory authority of the State Athletic Commission (SAC) from the title of the SC Code of Laws governing "Amusements and Athletic Contests" and places the State Athletic Commission under the administration of the Department of Labor, Licensing and Regulation. The legislation conforms the SAC provisions to the statutory organizational framework established for professional and occupational boards and commissions under the administration of the Department of Labor, Licensing and Regulation. The bill further provides for the licensure and regulation of various athletes and athletic events. The legislation repeals Chapter 7 of Title 52 relating to the SAC as well as subordinate athletic commissions at the county level.

The House concurred in Senate amendments to **H.3303** and ordered the bill enrolled for ratification. This bill provides that it is **LAWFUL TO HUNT DEER ON SUNDAY ON PRIVATE LAND** in this State during the prescribed season for hunting deer.

The House concurred in Senate amendments to **H.3613**, a bill relating to the **REMOVAL OF DESTRUCTIVE BEAVERS** and forbearing animals covered under depredation permits, and ordered the bill enrolled for ratification. The bill provides that a person taking a furbearing animal under authority of a depredation permit may not dispose of the animal commercially. A person taking a furbearing animal in accordance with a depredation permit must report the number and type of animal taken within twenty-one days of the expiration of the permit. The bill provides that a permit issued for the removal of destructive beavers is valid for a period of not less than one year from the date of issue. The legislation provides that there is no closed season for beaver on private lands.

The House approved and ordered enrolled for ratification **S.419**, a bill relating to **CERTIFICATE OF NEED PROGRAM EXEMPTIONS**. Currently, the Department of Health and Environmental Control (DHEC) administers the Certificate of Need (CON) program to promote cost containment, prevent unnecessary duplication of health care facilities and services, guide the establishment of health facilities and services which will best serve public needs, and ensure that high quality services are provided in certain types of health facilities in South Carolina. **S.419** clarifies that the office of a licensed private practitioner, whether for individual or group practice, is exempt from CON review except for: the acquisition of medical equipment which is to be used for diagnosis or treatment if the total project cost is in excess of that prescribed by regulation (currently set at \$600,000); and the construction or other establishment of a new health care facility.

The House approved and ordered enrolled for ratification Joint Resolution **S.552** which provides that in 2003 and 2004, the **ANNUAL FEE FOR THE AUTOMOBILE MANUFACTURER STANDARD LICENSE PLATE** for vehicles in such manufacturer's employee benefit program and for the testing, distribution, evaluation, and promotion of its vehicles is seven hundred sixty-six dollars. The joint resolution provides that twenty dollars of each fee is credited to the general fund of the state and the balance to local governments.

The House concurred in Senate amendments to **H.3233** and ordered the bill enrolled for ratification. This bill provides that **GOLDENROD IS THE OFFICIAL STATE WILDFLOWER**.

The House approved and sent to the Senate **H.3291**, a bill that **REQUIRES THAT A REFERENDUM BE HELD ON THE QUESTION OF RAISING THE BONDED INDEBTEDNESS LIMIT OF A POLITICAL SUBDIVISION OR SCHOOL DISTRICT**. The referendum must be held on the date of the general election, and before the question may appear on the ballot, the question must be certified to the appropriate election commission at least 45 days before that date.

The House amended, approved, and sent to the Senate **H.3045**. This bill provides that the Department of Transportation, by December 1, 2003, shall convene and complete a **MOBILITY DEVELOPMENT STUDY COMMITTEE** of representatives from state and local health and human services agencies, at least one representative of a rural transportation authority, and one representative of a mass transit light rail system. The committee shall submit a statewide plan for improving the coordination of public transportation services to the Joint Legislative Committee on Medicaid and Health Care and to the Senate Transportation Committee and the House Education and Public Works Committee.

The House amended, approved, and sent to the Senate **H.3986**, a bill that **REVISES VARIOUS PROVISIONS FOR BINGO GAMING**. This bill establishes strict standards for the use of electronic devices used as gaming aids, including but not limited to revisions to current provisions related to: requirements, procedures, and definitions concerning site systems, electronic dabbers, and bingo tickets; requirements regarding use of electronic or mechanical devices designed for bingo games; and procedures which must be followed when an organization or promoter seeks clarification. The bill adds additional restrictions to ensure that the electronic devices will not be used for video poker. The bill also ensures that any federally-recognized Indian tribes authorized to conduct bingo games would be allowed to use the same technology and gaming devices authorized by the bill, but would also not allow them to be used for video poker.

The House amended, approved, and sent to the Senate **H.3919**, the **DEPARTMENT OF REVENUE'S ANNUAL "CLEAN-UP BILL,"** which amends numerous sections of the Tax Code including, but not limited to, property tax appeals, duties of the Department of Revenue (DOR), the accommodations tax, and job tax credit.

The House approved and sent to the Senate **H.3769**, a bill providing that a **SAVANNAH RIVER SITE LAW ENFORCEMENT OFFICER MAY BE TRAINED AT THE CRIMINAL JUSTICE ACADEMY**. This bill provides that a person employed as a law enforcement officer with the Savannah River Site Law Enforcement Department may attend and be trained at the Department of Public Safety's Criminal Justice Academy Division.

The House approved and sent to the Senate **H.3839**. This bill **AUTHORIZES OFFICERS AND AGENTS OF THE STATE LIVESTOCK-POULTRY HEALTH**

COMMISSION AND OTHER LAW ENFORCEMENT OFFICERS TO USE THE UNIFORM TRAFFIC TICKET FOR VIOLATIONS OF LIVESTOCK AND POULTRY LAWS, that fall within the jurisdiction of the commission and of the summary courts. The bill also amends current law regarding traffic tickets so as to include on the uniform traffic ticket, offenses related to livestock and poultry.

The House amended, approved, and sent to the Senate **H.3950**, a comprehensive bill known as the **AQUACULTURE ENABLING ACT**. "Aquaculture" is defined in the bill as controlled cultivation of an aquatic species in confinement, and "aquaculture business" is defined as involvement in aquaculture for a commercial purpose. The bill provides that the Department of Natural Resources (DNR) has regulatory authority for permitting and licensing pertaining to aquaculture and aquaculture businesses. The provisions of the bill do not apply to any saltwater species. The bill provides that applicants for permits or licensure may be required to obtain additional federal or state permits required under current statutes and regulations. The bill includes, but is not limited to, provisions relating to: out-of-state aquaculturists who buy or sell in the state; common carriers of aquaculture products; persons buying, receiving, or selling out-of-state aquaculture products; freshwater gamefish and regulated aquaculture products produced under permit as authorized in the bill; prohibition against engaging in aquaculture for a commercial purpose, except as allowed in the bill, and provisions for violation of this prohibition; circumstances under which a person must obtain an annual aquaculture permit from DNR and provisions and procedures related to various aquaculture permits; conditions which DNR must consider before issuing a permit and before setting permit conditions; provisions, including punishment by fines or imprisonment, for persons who fail to acquire an aquaculture permit or register an aquaculture facility; establishment of magistrate's court jurisdiction for criminal cases arising from the provisions of the bill; and provisions relating to taking of freshwater nongamefish other than shad, herring, and sturgeon.

The House amended, approved, and sent to the Senate **H.4008**, a bill that makes numerous **REVISIONS TO THE CURRENT STATE RETIREMENT SYSTEM**. These revisions include, but are not limited to:

- A revision of the term "earned service" so as to include in that definition service rendered while participating in the State Optional Retirement Program (ORP); the Optional Retirement Program for Teachers and School Administrators (ORPTSA); or the Optional Retirement Program for Publicly-Supported Four-Year and Postgraduate Institutions of Higher Education (Higher Ed ORP) that has been purchased pursuant to specified procedure; or service earned as a participant in the system, the South Carolina Police Officers Retirement System (PORS), the General Assembly Retirement System (GARS), or the Judges' and Solicitors' Retirement System (JSRS) that is transferred to or purchased in the system;
- A provision that a retirement system member's highest fiscal year salary shall include the salary while participating in the ORP, the ORPTSA, or the

Higher Ed ORP if the member has purchased service rendered under any of these programs pursuant to specific provisions of the bill;

- A provision that an active member on an approved leave of absence from a participating employer who returns to covered employment within four years may purchase service credit for the approved leave, under specified conditions; Currently, there is no time specified for return to employment;
- Provisions regarding an active member's establishment of service credit for periods of service in the ORP, ORPTSA, or the Higher Ed ORP by making payments to the system which are determined by the State Budget and Control Board, but which must be at least sixteen percent of the member's current salary or career highest fiscal year salary, whichever is greater, for each year of credit purchased;
- A provision that earned service previously withdrawn and reestablished, purchased service credit earned as a participant in the ORP, the ORPTSA, or the Higher Ed ORP, or service earned as a participant in the system, the PORS, the GARS, or the JSRS that is transferred to or purchased in the system, is "earned service" and is eligible to be counted toward the required five or more years of service necessary for benefit eligibility;
- A revision of the definition of "eligible employee" so as to add to that definition a person hired on or after July 1, 2003, by specified employers to fill a temporary position or a part-time position; an employee hired after January 1, 2003, by the State who is not covered by the State Employee Grievance Procedure but who is eligible to participate in the South Carolina Retirement System (SCRS) or the PORS;
- A provision defining "open enrollment period" to mean the period from January first to March first of each year;
- A provision requiring that a State ORP participant who accepts an additional concurrent position with an employer participating in the SCRS must enroll in the State ORP for the second position if the second position is eligible to participate in the State ORP;
- A provision that a member of the SCRS who accepts an additional concurrent position with an employer participating in the SCRS must enroll in the SCRS with respect to that position;
- Elimination of current exceptions to the provision that election to participate in the State ORP is irrevocable, and addition of language providing for a State ORP participant to join the SCRS and addition of a provision that any ORP participant who was a participant in the Higher Ed ORP may irrevocably elect to participate in the SCRS during the open enrollment period from January 1, 2004, to March 1, 2004.

The House amended, approved, and sent to the Senate H.3429, a bill pertaining to a **LANDLORD'S RESPONSIBILITY FOR UTILITY BILLS**. This bill revises a provision under which, unless otherwise agreed in writing, a tenant has sole financial responsibility for gas, electric, water, sewerage, or garbage services provided to the premises the tenant leases, and a landlord is not liable for a tenant's account. Under the current law provision, an entity or utility providing gas, electric, water, sewerage, or garbage services must not: (1) require a landlord to execute an agreement to be responsible for all charges billed to premises leased by a tenant; or (2) discontinue or refuse to provide services to the premises the tenant leases based on the fact that the landlord refused to execute an agreement to be responsible for all the charges billed to the tenant leasing that premises. Under H.3429, these provisions do not apply to a landlord whose property is a multi-unit building consisting of four or more residential units served by a master meter or single connection.

The House approved and sent to the Senate H.3326, a bill making revisions regarding **NATIVE AMERICAN TRIBAL UNITS PARTICIPATION IN THE UNEMPLOYMENT INSURANCE PROGRAM**. The bill changes the manner in which Native American tribal units participate in the unemployment insurance program in the event these tribes and/or units do not make required payments into the program.

The House amended Senate amendments to H.3206, the **CAMPAIGN FINANCE REFORM** bill.

The House amended Senate amendments to H.3361, a bill pertaining to procedures and requirements **SCHOOL MAKE-UP DAYS**.

The House recommitted to the Judiciary Committee H.3572, a bill **DISALLOWING FIREARMS GAMES AT BUSINESSES PERMITTED TO SELL BEER/WINE**.

The House recommitted to the Ways and Means Committee H.3963, a bill dealing with **TAXATION ON IMPROVED PROPERTY**.

The House recommitted to the Ways and Means Committee H.3962, a bill that **REVISES CURRENT PROCEDURES REGARDING MANUFACTURING AND DISTRIBUTION OF BINGO CARDS, TICKETS, OR ELECTRONIC DEVICES**.

The House rejected H.3903, a bill which **AUTHORIZES AND PROVIDES FOR THE IMPOSITION BY REFERENDUM OF A ONE CENT SALES AND USE TAX IN A MUNICIPALITY** for a limited period of time, for specific projects, and to collect a limited amount of money.

HOUSE COMMITTEE ACTION

EDUCATION AND PUBLIC WORKS

The Education and Public Works Committee reported favorable with amendment on H.3378. This bill **DEVOLVES POWERS AND DUTIES OF THE STATE BOARD OF EDUCATION UPON THE STATE SUPERINTENDENT OF EDUCATION**, with the exception of appeals duties and teacher suspension and revocation, which would be moved to the Administrative Law Judge Division. These provisions would be effective July 1, 2003.

The Committee reported favorable with amendment on H.3686. As reported by the Committee, this bill **PROVIDES THAT WHEN AN INSURANCE COMPANY OBTAINS TITLE TO A VEHICLE FROM SETTLING A TOTAL LOSS CLAIM, THE INSURANCE COMPANY MAY OBTAIN A TITLE TO THE VEHICLE DESIGNATED AS "SALVAGE."** The bill further provides that an insurance company that requests a salvaged vehicle title must pay the regular title fee of ten dollars.

JUDICIARY

The full House Judiciary Committee met on Tuesday, April 29, and reported out several bills.

The committee gave a report of favorable with amendments on S.204, legislation providing for **LAND USE DISPUTE RESOLUTION**. This bill revises the procedures for appeals from decisions of zoning boards of appeals, boards of architectural review, and planning commissions so as to establish procedures for pre-litigation mediation for land use disputes between such bodies and property owners. The bill revises provisions relating to zoning boards of appeals and boards of architectural review so as to provide that a matter may be remanded to an administrative official if the board determines the record is insufficient for review. The bill provides **EDUCATIONAL REQUIREMENTS FOR LOCAL GOVERNMENT ZONING AND PLANNING OFFICIALS AND EMPLOYEES** and creates an advisory committee to approve courses for orientation and continuing education programs.

The committee gave a favorable report on S.107. This bill increases the membership of the **TOURISM EXPENDITURE REVIEW COMMITTEE** from nine to eleven, by adding two additional positions appointed by the Governor: one member on the recommendation of the South Carolina Arts Commission and one member at large.

The committee gave a favorable report on S.228. Under this bill, a person who manufactures in this State food items such as sauces and marinades in which there is an alcoholic beverage ingredient and who does so under an agreement with the alcoholic beverage manufacturer must apply for a **SPECIAL FOOD**

MANUFACTURER'S LICENSE from the Department of Revenue to purchase the alcoholic beverage directly from the manufacturer in containers holding greater quantities of liquor than are sold to a retail consumer. The fee for the biennial special food manufacturer's license is one thousand two hundred dollars.

LABOR, COMMERCE AND INDUSTRY

The full House Labor, Commerce and Industry Committee met on Tuesday, April 29, and reported out several bills.

The committee gave a report of favorable with amendments on H.3831, a bill establishing requirements for **NONFRANCHISE AUTOMOBILE DEALER PRE-LICENSING EDUCATION**. Under the bill, an applicant for an initial nonfranchise automobile dealer license must complete successfully at least eight hours of pre-licensing education courses before he may be issued a license. At least one shareholder listed on the application for an initial nonfranchise automobile dealer license must comply with the education requirement contained in this section. The Department of Public Safety shall promulgate regulations to implement the provisions. The requirements of the legislation do not apply to a franchised automobile dealer or a nonfranchised automobile dealer owned and operated by a franchised automobile dealer. The requirements of the legislation do not apply to a nonfranchised automobile dealer whose primary business is salvage motor vehicles or to a nonfranchised automobile dealer whose primary business objective and substantial business activity is the rental of motor vehicles.

The committee gave a favorable report on S.447, a bill regarding the **STATE ATHLETIC COMMISSION**, the body charged with regulating boxing, kickboxing, wrestling, and other combative sports in this State. This legislation transfers the statutory authority of the State Athletic Commission (SAC) from the title of the SC Code of Laws governing "Amusements and Athletic Contests" and places the State Athletic Commission under the administration of the Department of Labor, Licensing and Regulation. The legislation conforms the SAC provisions to the statutory organizational framework established for professional and occupational boards and commissions under the administration of the Department of Labor, Licensing and Regulation. The bill further provides for the licensure and regulation of various athletes and athletic events. The legislation repeals Chapter 7 of Title 52 relating to the SAC as well as subordinate athletic commissions at the county level.

The committee gave a favorable report on H.3326, a bill making revisions regarding **NATIVE AMERICAN TRIBAL UNITS PARTICIPATION IN THE UNEMPLOYMENT INSURANCE PROGRAM**. The bill changes the manner in which Native American tribal units participate in the unemployment insurance program in the event these tribes and/or units do not make required payments into the program.

MEDICAL, MILITARY, PUBLIC AND MUNICIPAL AFFAIRS

The Medical, Military, Public and Municipal Affairs Committee reported favorable on **H.3563**, a bill which **REQUIRES ALL STRAWS DISTRIBUTED IN RESTAURANTS AND PUBLIC PLACES TO BE COVERED IN A WRAPPER.**

The Committee reported favorable on **S.419**. Currently, the Department of Health and Environmental Control (DHEC) administers the Certificate of Need (CON) program to promote cost containment, prevent unnecessary duplication of health care facilities and services, guide the establishment of health facilities and services which will best serve public needs, and ensure that high quality services are provided in certain types of health facilities in South Carolina. **S.419 CLARIFIES THAT THE OFFICE OF A LICENSED PRIVATE PRACTITIONER, WHETHER FOR INDIVIDUAL OR GROUP PRACTICE, IS EXEMPT FROM CON REVIEW EXCEPT FOR: THE ACQUISITION OF MEDICAL EQUIPMENT WHICH IS TO BE USED FOR DIAGNOSIS OR TREATMENT IF THE TOTAL PROJECT COST IS IN EXCESS OF THAT PRESCRIBED BY REGULATION (CURRENTLY SET AT \$600,000); AND THE CONSTRUCTION OR OTHER ESTABLISHMENT OF A NEW HEALTH CARE FACILITY.**

BILLS INTRODUCED IN THE HOUSE THIS WEEK

AGRICULTURE, NATURAL RESOURCES, AND ENVIRONMENTAL AFFAIRS

S.423 HUNTING FROM WATER CONVEYANCES Sen. Hutto

This bill revises current provisions regarding hunting from water conveyances so as to provide that it is unlawful to: take or attempt to take or molest a deer, bear, or turkey from any water conveyance; take or attempt to take or molest a deer or bear while the animal's free movement is impeded by water; or possess a loaded centerfire rifle or shotgun loaded with buckshot or slugs while afloat. The bill further provides that violation of these provisions is a misdemeanor punishable by specified fine or imprisonment and mandatory forfeiture of weapon, ammunition, vehicle, water conveyance, motor, trailer, and all associated equipment to the State.

S.523 WILDLIFE DISEASE Sen. Gregory

This bill authorizes the Department of Natural Resources under certain conditions to implement specified measures to prevent and control the spread of disease among wildlife. The bill also revises current law regarding taking game animals which cause damage to crops by adding a provision that such animals may also be taken when they pose a significant human health risk. The bill deletes the current requirement

that deer killed due to damage to crops or property must be given to eleemosynary institutions.

S.572 LIVESTOCK/POULTRY HEALTH COMMISSION Sen. Waldrep

This bill provides that violations of statutes regarding animals, livestock, and poultry which are assigned to the enforcement authority of the State Livestock-Poultry Health Commission, the maximum punishment for which are within the jurisdictional maximum of the summary court, may be charged by use of the Uniform Traffic Ticket, as provided in the bill. A violation of this section does not carry points against the defendant's driving record nor can it be considered by insurance companies for auto insurance or merit rating system and recoupment purposes.

The bill also amends statutory provisions regarding traffic tickets by adding the specific offenses which are the subject of this bill as offenses which may be ticketed with a Uniform Traffic Ticket.

H.4087 USE OF CRITICAL AREA IN COASTAL ZONE COUNTIES Rep. Perry

This bill revises current provisions regarding when a permit is required for using a critical area in coastal zone counties for purposes other than those for which the area has been designated. The bill provides that in addition to current exemptions from this requirement, such a permit is not required for disposal of material derived from maintenance dredging within certain developments if specified criteria are met.

H.4119 ROD AND REEL FISHING Rep. Limehouse

This bill provides that the General Assembly and the Department of Natural Resources shall ensure that the marine waters of South Carolina shall not be closed to rod and reel fishing except under conditions specified in the bill.

S.460 EQUINE INDUSTRY PROMOTION ACT Sen. Waldrep

This bill enacts the "Equine Industry Promotion Act," providing that the State Department of Agriculture (the Department) shall promote and improve the State's horse industry. The bill creates and provides for the Equine Industry Promotion Board, established under the Department. The bill imposes an assessment on all commercial equine feed, the revenues from which would be used to promote the State's equine industry as described in the bill.

EDUCATION AND PUBLIC WORKS

H.4097 YEAR OF MANUFACTURE VEHICLE LICENSE PLATES Rep. Ceips

This bill provides conditions under which the Department of Public Safety may allow the use of year of manufacture license plates instead of licensed plates which are normally required. The bill also authorizes and provides for an owner of a vehicle manufactured for military purposes, as such a vehicle is described in the bill, to display that vehicle's registration number by painting it on the vehicle as provided in the bill.

S.153 CRITERIA FOR ADOPTION OF PUBLIC SCHOOL INSTRUCTIONAL MATERIALS/SC SCIENCE STANDARDS COMMITTEE Sen. Giese

This bill provides that all instructional materials placed on the approved list for use in public schools shall contain the substance and level of performance outlined in the grade and subject specific academic standards adopted by the State Board of Education. The bill also creates and provides for the South Carolina Science Standards Committee (the Committee), charged to: study science standards regarding the teaching of the origin of the species; determine whether there is a consensus on the definition of science; and determine whether alternatives to evolution as the origin of species should be offered in schools. The Committee is required to report findings to the General Assembly by February 15, 2004, at which time the Committee is dissolved.

S.356 HEARING IMPAIRED DRIVERS Sen. Hutto

This bill allows an applicant for issuance or renewal of a driver's license to request a notation on the license indicating that the applicant is hearing impaired. The bill provides that if such a notation is requested, and if the applicant provides certification from a physician as described in the bill, the Department of Public Safety (the Department) must place the notation on the license. The bill also provides for issuance of an identification placard to a hearing impaired driver, required to be issued by the Department when such a driver makes application as provided in the bill. The bill authorizes a fee of up to five dollars for issuance of the placard, with the revenue to be used by the Department to offset the cost of providing the placards.

H.4122 BASIC SKILLS ASSESSMENT PROGRAM/GRADUATION CERTIFICATE Rep. Govan

Relating to the Basic Skills Assessment Program and the duties of the State Board of Education, this bill allows only a student with a disability that prevents him from completing the requirements for graduation to receive a certificate indicating the number of credits earned and grades completed instead of a diploma.

H.4139 MILITARY RESERVE SPECIAL PLATES Rep. Parks

This bill authorizes and provides for special motor vehicle license plates for retired members of the United States Military Reserves and revises current provisions regarding Military Reserve plates by providing that the plates shall bear the insignia of the branch of service of which the reservist is an active or retired member.

H.4142 DISABLED VETERANS SPECIAL PLATES Rep. Parks

This bill revises current provisions regarding special license plates for wartime disabled veterans. The bill provides that all such license plates shall include the symbol used on license plates to indicate that the vehicle may be parked in a metered or timed parking place without being subject to parking fees or fines. The bill also provides that the special plates for recipients of the Purple Heart may be issued to a recipient of a Purple Heart *due to hostile fire*; the plate must be issued with no fee; and the plate shall include the symbol to indicate that the vehicle may be parked in a metered or timed parking place without being subject to parking fines or fees.

JUDICIARY

H.4090 PASSPORT AS PROOF OF IDENTITY FOR VOTING Rep. Thompson

This bill revises provisions for proofs of identity required of a person when he presents himself to vote, so as to add passport as another form of proof of identity authorized to be accepted.

H.4099 SOUTH CAROLINA NURTURING RESPONSIBLE FATHERS AND FAMILIES INITIATIVE ACT Rep. Breeland

This bill enacts the South Carolina Nurturing Responsible Fathers And Families Initiative Act to develop policies and procedures to reduce dependency on government benefits, to ensure that children from low-income families benefit from the involvement of two parents, and to facilitate the involvement of fathers in their children's lives. The bill establishes the Low-Income Fatherhood Commission to promote involvement of fathers with their children and provides for the composition of the commission and its powers and duties. The bill requires the Department of Social Services to develop a statewide plan to promote father involvement, including public education and awareness of services and programs available to fathers and families in need, and to require the plan to include various state agencies and local organizations in carrying out the statewide plan. The bill requires state agencies to develop policies and procedures for the dissemination of information and for referral of fathers to service delivery entities that can provide employment and training assistance. The bill promotes the utilization of community-based and faith-based organizations and work development boards in providing services to low-income fathers. The bill requires the Office of Child Support Enforcement to develop policies and procedures to assist low-income fathers in paying child support debt. The bill provides reductions in child support arrearages to low-income fathers who meet certain economic, employment, and payment requirements. The bill requires the Office of Child Support Enforcement and The Department of Corrections to cross match inmates and child support obligors, to assist low-income fathers in obtaining appropriate child support obligations, and to inform them of their changing obligations upon release. The bill establishes the Work and Family Reintegration Initiative to help reduce incarceration recidivism through providing employment, educational, training, and parenting opportunities for incarcerated parents. The bill requires the development of community access centers to help provide services to individuals reentering the family and workforce from prison.

S.458 ASSAULT AND BATTERY AGAINST A PERSON AFFILIATED WITH A SCHOOL Sen. Kuhn

This bill allows a person affiliated with a school to bring a civil action against a student who commits assault and battery against the person. The bill revises provisions relating to a student committing assault and battery against a person affiliated with a school, so as to change the offense from a misdemeanor to a

felony, and to allow a person affiliated with a school to bring a civil action against a student who commits assault and battery against the person.

**S.466 *MEMBERSHIP OF SEXUALLY VIOLENT PREDATOR
MULTIDISCIPLINARY REVIEW TEAM* Sen. McConnell**

This bill changes the membership of the multidisciplinary team reviewing records to determine if a person is a sexually violent predator.

S.491 *STALKING AND HARASSMENT* Sen. McConnell

This bill redefines stalking and harassment and clarifies penalties for stalking and harassment. The bill requires that, when a restraining order is issued as a condition of bond for harassment or stalking, a copy of the restraining order must be sent by the court to the victim. The bill provides that a temporary restraining order granted without notice must be entered of record with the magistrates court. The bill allows service of a restraining order to be made by mail return receipt to defendant's last known address. The bill requires that a mental evaluation must be made before bail is set on a stalking or harassment charge. The bill requires that the evaluation be scheduled within ten days of the order's issuance, that the report be issued within forty-eight hours of evaluation, and that the solicitor arrange for a bond hearing upon receipt of the report before a circuit court judge.

**S.559 *BOUNDARIES OF HORRY AND GEORGETOWN COUNTIES*
Sen. Rankin**

This bill alters the county lines of Horry and Georgetown Counties by annexing a certain portion of Georgetown to Horry County and to make provisions for legal records.

S.588 *VOTING PRECINCTS OF GREENVILLE COUNTY* Sen. J. V. Smith

This bill revises and renames certain voting precincts of Greenville County and redesignates a map number for the map on which lines of these precincts are delineated and maintained by the Office of Research and Statistics of the State Budget and Control Board.

**H.4121 *SOUTH CAROLINA NURTURING RESPONSIBLE FATHERS AND
FAMILIES INITIATIVE ACT* Rep. Lloyd**

This bill enacts the South Carolina Nurturing Responsible Fathers And Families Initiative Act to develop policies and procedures to reduce dependency on government benefits, to ensure that children from low-income families benefit from the involvement of two parents, and to facilitate the involvement of fathers in their children's lives. The bill establishes the Low-Income Fatherhood Commission to promote involvement of fathers with their children and provides for the composition of the commission and its powers and duties. The bill requires the Department of Social Services to develop a statewide plan to promote father involvement, including public education and awareness of services and programs available to fathers and families in need, and to require the plan to include various state agencies and local organizations in carrying out the statewide plan. The bill requires state agencies to develop policies and procedures for the dissemination of information and for referral of fathers to service delivery entities that can provide

employment and training assistance. The bill promotes the utilization of community-based and faith-based organizations and work development boards in providing services to low-income fathers. The bill requires the Office of Child Support Enforcement to develop policies and procedures to assist low-income fathers in paying child support debt. The bill provides reductions in child support arrearages to low-income fathers who meet certain economic, employment, and payment requirements. The bill requires the Office of Child Support Enforcement and The Department of Corrections to cross match inmates and child support obligors, to assist low-income fathers in obtaining appropriate child support obligations, and to inform them of their changing obligations upon release. The bill establishes the Work and Family Reintegration Initiative to help reduce incarceration recidivism through providing employment, educational, training, and parenting opportunities for incarcerated parents. The bill requires the development of community access centers to help provide services to individuals reentering the family and workforce from prison.

H.4123 PUBLISHED NOTIFICATIONS OF THIRD OR SUBSEQUENT DRIVING UNDER THE INFLUENCE CONVICTIONS Rep. Loftis

This bill provides that the clerk of the court in which a person is convicted of a third or subsequent offense of driving under the influence of alcohol, another drug, or a combination of drugs or substances must publish at the expense of the convicted person a notice of the person's conviction and his picture in the manner legal notices are published in the county in which the person resides or, for nonresidents, in the county in which the person was convicted.

H.4125 CIVIL ACTIONS AGAINST PUBLIC BODIES BY WHISTLEBLOWERS Rep. Whipper

This bill revises provisions for civil actions against an employing public body for retaliation against an employee who reports a violation of state or federal law or regulation, so as to change the maximum amount of actual damages an employee may recover from fifteen thousand dollars to three hundred thousand dollars.

H.4126 TORT CLAIMS ACT REVISIONS Rep. Whipper

This bill revises provisions relating to the South Carolina Tort Claims Act and when and where to commence an action, so as to provide that certain causes of action must be filed in magistrate's court. The bill revises provisions relating to limitations on liability, the prohibition against the recovery of punitive or exemplary damages or prejudgment interest, and an attorney's signature on pleadings, motions, or other papers, so as to provide that a state agency or political subdivision may be represented by a representative of its insurance carrier, department manager, staff person, or another official in certain actions. The bill revises provisions relating to civil actions in which a magistrate does not have jurisdiction so as to provide an exception that a magistrate has jurisdiction in an action where the state is a party and the claim for damages is for seven thousand five hundred dollars or less.

H.4130 FLEXIBILITY IN PROMULGATING REGULATIONS THAT ADVERSELY IMPACT SMALL BUSINESSES Rep. Cato

This bill provides flexibility in the promulgation of regulations that adversely impact small businesses. The bill requires examination of regulatory alternatives and provides for review of an agency decision in this connection. The bill requires review of agency regulations in the context of promoting flexibility in promulgating regulations that adversely impact small businesses and provides for emergency regulations. The bill revises provisions relating to General Assembly review of regulations, so as to require an agency submitting a regulation for review to also submit the documents an agency is required to prepare under this legislation.

H.4145 FLYING OF THE POW/MIA FLAG Rep. Parks

This bill requires, upon executive order of the Governor, the POW/MIA Flag to be flown at South Carolina rest areas and at other locations that the Governor may order when the United States is engaged in wartime military operations and members of the armed forces are prisoners of war or missing in action, on certain national holidays, and at other times as the Governor may order.

H.4146 VIDEO VOYEURISM Rep. Hamilton

This bill revises definitions of harassment and stalking, so as to provide that harassment includes unlawfully directing or focusing a digital, electronic, laser, heat-seeking, noise-making, listening, or other electronic or mechanical device on another person, his dwelling, or any other place where the targeted person seeks seclusion from public view or has a reasonable expectation of privacy. The bill defines "video voyeurism", and "routine imaging or video monitoring for security purposes", "surveillance", "privacy", "personal space", and "invade." The bill revises provisions relating to offenses against the person, so as to provide that it is unlawful for a person to engage in video voyeurism. The bill provides for certain exceptions to the application of these provisions. Penalties are provided for violations.

**H.4148 VIOLENT VIDEO OR COMPUTER GAME TRADE UNLAWFUL
Rep. Davenport**

This bill provides that a person who sells, rents, or permits to be sold or rented a violent video or violent computer game is guilty of a misdemeanor. Penalties are provided. The bill defines the terms "violent video or violent computer game".

LABOR, COMMERCE AND INDUSTRY

S.525 VACATION TIME SHARE PLANS Sen. Rankin

This bill makes revisions to statutory provisions regarding vacation time share plans.

H.4088 APPRENTICE APPRAISERS Rep. Perry

This bill makes provisions relating to conforming state real estate appraiser licensure requirements to federal law and to the reclassification of registered appraisers as of July 1, 2000, to apprentice appraisers, so as to provide that such apprentice

appraisers who satisfy certain training and educational requirements must be reclassified as certified general appraisers.

S.549 SECOND INJURY FUND Sen. Land

This bill revises provisions relating to the Second Injury Fund, so as to prohibit reimbursements to employers or carriers which have defaulted on their current assessments until the assessments are paid in full. The bill revises provisions relating to the manner in which an employer or insurance carrier shall be reimbursed from the Second Injury Fund when disability results from preexisting impairment and subsequent injury, so as to further provide for what an employer must establish in order to qualify for reimbursement. The bill revises provisions relating to reimbursement from the Second Injury Fund for an employee who becomes totally and permanently disabled in a subsequent injury, so as to further provide for what an employer must establish in order to receive these additional benefits from the Second Injury Fund.

H.4116 SECOND INJURY FUND Rep. Tripp

This bill revises provisions relating to the manner in which an employer or insurance carrier is reimbursed by the Second Injury Fund when disability results from a preexisting impairment and subsequent injury, so as to eliminate reimbursements for concealed or unknown preexisting conditions. The bill revises provisions relating to reimbursements from the Second Injury Fund for total disability caused by a subsequent injury so as to eliminate reimbursements for preexisting impairments unknown to the employee. The bill establishes a committee to study the feasibility and effects of abolishing the Second Injury Fund.

H.4117 SECOND INJURY FUND CLAIMS Rep. Tripp

This bill provide that no claim for injury or disease filed on or after July 1, 2003, serves as the basis for reimbursement to an employer or insurance carrier pursuant certain provisions of the Second Injury Fund.

H.4124 STATE FIRE MARSHAL REORGANIZATION Rep. Young

This bill transfers the State Fire Marshal from the Department of Labor, Licensing and Regulation to the Department of Public Safety. The bill provides for the Division of Fire And Emergency Response within the Department of Public Safety. The bill revises provisions relating to the duties of the South Carolina Fire Fighter Mobilization Committee, so as to provide that the committee shall have statewide responsibilities over certain duties of the tactical response teams for urban search and rescue and hazardous materials emergency response, and to provide that the tactical response teams must be placed administratively under the Department of Public Safety Division of Fire And Emergency Response.

MEDICAL, MILITARY, PUBLIC AND MUNICIPAL AFFAIRS

H.4115 SOUTH CAROLINA BIRTH DEFECTS ACT Rep. Lourie

This bill enacts the South Carolina Birth Defects Act, establishing and providing for a program within the Department of Health and Environmental Control (DHEC) to promote increased understanding of birth defects, prevent and reduce birth defects, and assist families with children who have birth defects. The bill includes provisions for the Department to conduct public health monitoring, make referrals, and provide interventions related to birth defects. The bill establishes the Birth Defects Advisory Council to make recommendations to the Department as specified in the bill. The bill requires and includes procedures for the Department to maintain a database for the gathering of information throughout the State and requires the Department annually to report certain data about birth defects to the General Assembly and the Governor.

H.4137 COMMITTEE TO STUDY VETERANS' ISSUES Rep. M.A. Pitts

This joint resolution establishes and provides for a Committee to Study Certain Issues Affecting Veterans. The resolution delineates matters for the committee to study, including but not limited to issues relating to access, availability, and improvements of veterans' nursing homes; achieving maximum use of state tax revenue for the benefit of veterans; and projected veteran population for the next twenty years. The resolution directs the committee to report annually to the General Assembly and to the Governor.

H.4138 DIVISION OF VETERANS' AFFAIRS Rep. Parks

This bill requires the training officer for the State Division of Veterans' Affairs to train and get accredited county personnel within three weeks of the time of appointment. The bill requires the state director to submit requests for accreditation within three working days.

H.4143 DIRECTOR OF VETERANS' AFFAIRS Rep. Parks

This bill requires the Director of the Division of Veterans' Affairs to coordinate the administration of all veterans' applications for entitlements or benefits, or similar paperwork relating to veterans in this State with the U.S. Department of Veterans' Affairs and Federal Veterans' Affairs Regional Offices Administration. The bill requires the director to ensure that all applications for entitlements or benefits, case files or similar paperwork relating to a veteran submitted by a county to the regional offices of the Department of Veterans' Affairs shall be directed to and sent to the county veterans' affairs officer who has a power of attorney for the veteran rather than to the Division of Veterans' Affairs at the state level.

WAYS AND MEANS

S.552 FEE FOR CERTAIN AUTO MANUFACTURERS' LICENSE

PLATES Sen. J. Verne Smith

This joint resolution provides that the registration fee for applications filed in 2003-2004 for a standard license plate issued to an auto manufacturer for vehicles used in a benefit program for the manufacturers' employees or for testing, distribution, evaluation, and promotion is seven hundred sixty-six dollars. The resolution credits twenty dollars of this reduced fee to the State general fund and the remainder to local government.

H.4094 INFORMATION OFFICER/COMMITTEE; INFORMATION TECHNOLOGY Rep. Cooper

This bill establishes and provides for: the Division (and the Office) of the State Chief Information Officer (the Division), operating within the State Budget and Control Board; the Joint Information Technology Review Committee, comprised of ten appointed members of the General Assembly; the Information Technology Architecture Review Panel, with membership determined by the Chief Information Officer, to include representatives from government and other entities; and an Information Technology Innovation Fund, to be administered by the Division and charged to provide incentives to governmental bodies to implement enterprise information technology initiatives and electronic government projects. The purpose of the bill is to create a system that provides accessible, reliable, and accurate information infrastructure to enhance the quality and deliver of State government services.

H.4095 SALES TAX EXEMPTION FOR PRESCRIPTION MEDICINE Rep. Kirsh

This bill provides an exemption from sales tax for prescription medicines used to prevent respiratory syncytial virus.

H.4098 EVENTS ON STATE-OWNED PROPERTY Rep. Scott

This bill provides that persons or entities that sponsor an event on state-owned property may assume responsibility for providing law enforcement officers to protect the property for the duration of the lease agreement.

S.487 DRYCLEANING FACILITIES Sen. Waldrep

This bill includes numerous environmental and fee provisions relating to the drycleaning industry.

H.4120 STATE AGENCY MAIL Rep. Neilson

This bill requires all state agencies sending mail to other state agencies or to state employees outside that agency to use interagency mail delivery administered by the Budget and Control Board, except under conditions specified in the bill.

H.4127 SOUTH CAROLINA RESTRUCTURING ACT OF 2003 Rep. Wilkins

This bill enacts the "South Carolina Restructuring Act of 2003." Provisions of the bill include, but are not limited to:

- Creating and providing for the Department of Administration, a department of the executive branch of state government, which would be comprised of twenty existing offices, divisions, or components of the Budget and Control Board (the Board), Office of the Governor, or other agencies;
- Creating and providing for the Division of the State Chief Information Officer (the Division) within the Budget and Control Board and under the supervision of the State Chief Information Officer; the Division, among other responsibilities, would be required to develop for the Board's approval a statewide strategic plan for information technology and statewide strategic information technology directions, standards, and enterprise architecture, and develop for the Board's approval an approval process for information technology plans of governmental bodies;
- Creating and providing for the Joint Information Technology Review Committee, a joint committee comprised of ten members of the General Assembly charged to review and make recommendations regarding funding of information technology initiatives, recommend which initiatives should be approved, recommend future priorities for information technology initiatives, report to the House Ways and Means Committee and the Senate Finance Committee annually or as requested by these committees;
- Creating and providing for the Information Technology Architecture Review Panel (the Panel), the number and composition of which will be determined by the State Chief Information Officer (the Officer); the Panel would review information technology initiatives of governmental bodies and advise the Officer on matters relating to the development and implementation of information technology standards, policies, and procedures;
- Creating and providing for an Information Technology Innovation Fund to be administered by the Division and created to provide incentives to governmental bodies to implement enterprise information technology initiatives and electronic government projects;
- Creating and providing for the Office of the State Inspector General as a separate division of the Budget and Control Board, charged to (among other responsibilities) identify, prevent, and eradicate fraud, waste, misconduct, and abuse in agencies within the executive branch of state government; the bill also creates the position of Inspector General and outlines responsibilities for this position.

S.372 STATE ACCIDENT FUND Sen. Martin

This bill provides that the State Treasurer must invest the State Accident Fund in the same manner and in the same type and grade of securities as is the accumulated account of the South Carolina Retirement System. The bill also provides that unless the balance of the State Accident Fund exceeds the actuarial estimate of ultimate claim liability in three consecutive years, none of the funds may

be applied in any state appropriations bill except for funding workers' compensation claim obligations and operations expenses as provided under current law. The bill provides that an applicant for coverage under this fund must present its recent loss history, upon which its premium charges must be based. If such an applicant refuses to present this information or fails to cooperate with State Fund recommendations as provided in the bill, the fund may cancel or refuse to renew coverage. The bill also includes a provision requiring and providing for insured employers to make efforts to provide or arrange for limited duty work consistent to limitations specified by the treating physician.

H.4140 FUNDING FOR COUNTY VETERANS' AFFAIRS OFFICES Rep. Parks

This bill requires a county veterans affairs office to be funded with monies appropriated by the General Assembly for that purpose and payable directly to the office of the State Treasurer instead of payable to the office through the Office of the Governor.

H.4141 VETERANS - PROPERTY TAX EXEMPTIONS Rep. Parks

This bill provides a property tax exemption for one vehicle to the surviving spouse of a veteran classified as totally and permanently disabled due to a service-connected disability as described in the bill for the lifetime or until the remarriage of the surviving spouse.

H.4144 VETERANS OF ALL WARS MEMORIAL Rep. Parks

This joint resolution creates and provides for the Veterans of All Wars Memorial Monument Commission, charged to design and establish a monument to be placed on the grounds of the Capitol Complex to recognize South Carolina veterans who served during any wars in which South Carolinians fought from 1775 to the present.

H.4147 ASSESSMENT RATIOS Rep. Hamilton

This bill allows married individuals who own a residence other than their legal residence to have an property tax assessment ratio equal to four percent of fair market value of the residence. The bill provides that on the death of a spouse, this residence keeps the four percent assessment ratio if by will or operation of law the residence becomes the property of the surviving spouse.

The *Legislative Update* is on the Worldwide Web. Visit the South Carolina General Assembly Home Page (<http://www.scstatehouse.net>) and click on "*Publications*," then click on "*Legislative Update*." This will list all of the *Legislative Updates* by date. Click on the date you need.

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Blatt Building Meetings

Week of June 2 - 6, 2003

(Subject to Change)

Full Agendas Available in Committee Offices

Preview of Next Week's Meeting Agendas

History of Changes

The following changes were made to this schedule after it was first issued.

These changes were made on Friday, May 30, 2003 at 3:22 P.M.:

Three conference committee meetings were added on Tuesday.

Monday
June 2

Gressette Building, Room 105 -- 12:00 noon -- Conference Committee on H-3749
Agenda Available

Tuesday
June 3

Room 504 -- 8:00-9:00 a.m. -- Leg. Black Caucus
State House, Third Floor Conference Room -- 10:00 a.m. -- Conference Committee on H-3713
Room 321 -- 11:00 a.m. -- Majority Caucus
Room 305 -- 11:00 a.m. -- Minority Caucus
State House, Third Floor Conference Room -- 12:30 p.m. -- Conference Committee on S-208
State House, Third Floor Conference Room -- 1:30 p.m. -- Conference Committee on H-3206
Room 221 -- (Upon adjn) -- Majority Caucus
Room 221 -- 4:00 p.m. -- Leg. Black Caucus
Room 215 -- 4:30 p.m. -- Leg. Black Caucus Sub Comm.

Wednesday
June 4

Room 318 -- 8:30 a.m. -- Freshmen Caucus
Room 305 -- 9:00 a.m. -- Agriculture Caucus
Gressette Building, Room 105 -- 9:00 a.m. -- Joint Bond Review Committee
Agenda Available

Thursday
June 5

Room 201 -- 8:30 a.m.-2:00 p.m. -- Gov's School Science & Math
Rooms 215 & 305 -- 8:30 a.m.-12:00 p.m. -- Gov's School Science & Math
Room 501 -- 9:00 a.m. -- Republican Women's Caucus
Room 215 -- 12:00 p.m. -- Leg. Black Caucus

Friday
June 6

No meetings scheduled.

Check with Ways & Means Committee, at 734-3144, for Ways & Means meeting.

Last Updated: Friday, May 30, 2003 at 3:22 P.M.